

House Amendment 1181

PAG LIN

1 1 Amend House File 551 as follows:
1 2 #1. Page 1, by inserting after line 9 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 68A.407 DISSEMINATION OF
1 5 CERTAIN FALSE STATEMENTS OF FACT AND CERTAIN
1 6 DEROGATORY STATEMENTS CONCERNING CANDIDATE PROHIBITED
1 7 == REMEDIES.
1 8 1. The general assembly finds that the increasing
1 9 use of false statements of fact and certain derogatory
1 10 statements aimed at candidates for public office
1 11 impedes campaigns and diminishes the trust and
1 12 confidence of the public in the electoral process. It
1 13 is not the intent of the general assembly to lessen
1 14 political debate that furthers the ability of the
1 15 public to understand the issues and positions of
1 16 candidates for public office. The general assembly
1 17 declares that a compelling state interest exists in
1 18 prohibiting the use of false statements of fact and
1 19 certain derogatory statements that impede campaigns
1 20 for public office in Iowa and diminish the public's
1 21 trust and confidence in the electoral process.
1 22 2. As used in this section:
1 23 a. "Actual malice" means knowledge of the falsity
1 24 of a statement or reckless disregard for whether a
1 25 statement is true or false.
1 26 b. "Disseminate" means the act of causing the
1 27 printing, posting, broadcasting, mailing, or other
1 28 publishing of a false statement of fact.
1 29 c. "Public office" means any state, county, city,
1 30 school, or other office of a political subdivision of
1 31 this state filled by election.
1 32 3. A person shall not, with actual malice, cause
1 33 to be disseminated a false statement of fact
1 34 concerning a candidate for public office involving any
1 35 of the following:
1 36 a. The education or training of the candidate.
1 37 b. The current profession or occupation of the
1 38 candidate or any former profession or occupation of
1 39 the candidate.
1 40 c. Whether the candidate committed, was indicted
1 41 for committing, or was convicted of committing a crime
1 42 punishable by law.
1 43 d. Whether the candidate was subject to discipline
1 44 or sanction by any body of the federal government,
1 45 state government, or political subdivision of the
1 46 state.
1 47 e. Whether the candidate has received treatment
1 48 for a mental illness.
1 49 f. Whether another person endorses or opposes the
1 50 candidate.
2 1 g. The record of voting of a candidate if the
2 2 candidate serves or formerly served in an elected
2 3 office.
2 4 4. A person shall not, with actual malice, cause
2 5 to be disseminated a derogatory statement involving a
2 6 candidate's race, creed, color, religion, national
2 7 origin, sex, age, or physical or mental disability,
2 8 which is intended to demean or belittle the candidate
2 9 and which has no rational relationship to the
2 10 candidate's ability or qualifications for public
2 11 office.
2 12 5. Any candidate for public office who alleges
2 13 that a false statement of fact or a derogatory
2 14 statement concerning the candidate has been
2 15 disseminated in violation of this section may file a
2 16 complaint with the board. The board shall give
2 17 priority consideration to any complaint filed under
2 18 this section over all other matters pending before the
2 19 board.
2 20 6. If the board determines that a violation did
2 21 occur, the board may impose any of the recommended
2 22 actions under section 68B.32D, except that the board
2 23 shall not refer any complaint or supporting
2 24 information of a violation of this section to the

2 25 attorney general or any county attorney for
2 26 prosecution.
2 27 7. This section shall not preclude the filing of a
2 28 civil action based on the same facts or event giving
2 29 rise to a complaint filed with the board under this
2 30 section.
2 31 8. A person shall not provide information to the
2 32 board, relating to the dissemination of a false
2 33 statement of fact or a derogatory statement under this
2 34 section, if the person has actual knowledge that the
2 35 information provided is not true. A person who
2 36 violates this subsection may be assessed a civil
2 37 penalty as provided in section 68B.32D, subsection 1,
2 38 paragraph "h".
2 39 9. Section 68A.701, which otherwise applies
2 40 criminal penalties for violations of this chapter,
2 41 shall not apply to violations of this section.
2 42 10. This section does not apply to a newspaper,
2 43 magazine, publication, or other print media in which
2 44 the dissemination of a false statement of fact or a
2 45 derogatory statement appears, or a radio station,
2 46 television station, or other electronic medium which
2 47 makes the dissemination of a false statement of fact
2 48 or a derogatory statement.>
2 49 #2. Title page, by striking lines 1 through 3 and
2 50 inserting the following: <An Act relating to the
3 1 public dissemination of certain information concerning
3 2 candidates for public office by requiring a specific
3 3 citation in published material, or in a radio or
3 4 television announcement, referencing a candidate's
3 5 voting record, prohibiting the dissemination of
3 6 certain false statements of fact and derogatory
3 7 statements made with actual malice, and providing
3 8 remedies.>
3 9 #3. By renumbering as necessary.
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3 12 _____
3 13 RAECKER of Polk
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3 16 _____
3 17 HUSER of Polk
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3 21 ELGIN of Linn
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3 24 _____
3 25 JOCHUM of Dubuque
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3 28 _____
3 29 JACOBS of Polk
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3 32 _____
3 33 FORD of Polk
3 34 HF 551.702 81
3 35 jr/gg/200